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1 at least one speaker for playing a first source of streaming media

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3 said graphical user interface comprising a radio toolbar for
4 displaying at least one button capable of controlling said first source of
5 streaming media irrespective of the Web page content being browsed.

6 The Press Release discloses a media delivery system (i.e., RealPlayer;
7 specifically RealPlayer G2) that includes servers, players, and producers enabling
8 users to search and connect to a range of media content on the Web (Press Release;
9 page 1). The search capability incorporated into RealPlayer enables a user to search
10 Web pages limited to those Web pages that feature RealAudio and RealVideo
11 content. A search field within the user interface of RealPlayer allows a user to
12 implement a search for RealAudio and RealVideo content (Press Release; page 2,
13 paragraph "RealAudio and RealVideo Search"). RealPlayer includes an AutoUpdate
14 feature that notifies a user when a new update to RealPlayer is available. The Press
15 Release indicates that installation of such updates is only "one button away" (Press
16 Release; page 2, paragraph "AutoUpdate").

17 The Screenshots (e.g., Screenshots 2, 3, 5) illustrate the user interface of
18 RealPlayer which includes control buttons for play, pause, stop, and volume. The
19 RealPlayer interface also includes an audio/video search bar to enter a search for
20 RealAudio and RealVideo content provided by Web pages that feature RealAudio
21 and RealVideo content. Screenshot 2 illustrates within the minibrowser (right half of
22 Screenshot 2), the AutoUpdate feature which provides a notification to the user
23 regarding an available update to RealPlayer and a prompt for the user to click on the
24 notification in order to update the player.

25 There is nothing in either the Press Release or the Screenshots that teaches or
suggests that RealPlayer's play, pause, stop, and/or volume button controls are used

1 for anything other than controlling RealAudio content or RealVideo content that is
2 currently playing on RealPlayer and which is currently being identified or displayed
3 within the minibrowser (right half of Screenshot 2). That is, there is nothing in the
4 Press Release or the Screenshots that teaches or suggests that any source of
5 streaming media is controlled *irrespective* of content displayed within the
6 minibrowser (right half of Screenshot 2). Thus, RealPlayer's play, pause, stop,
7 and/or volume button controls are used to control RealAudio content or RealVideo
8 content that is currently playing on RealPlayer and being identified or displayed
9 within the minibrowser (right half of Screenshot 2). RealPlayer's play, pause, stop,
10 and/or volume button controls are not used to control RealAudio content or
11 RealVideo content that is not currently being identified or displayed within the
12 minibrowser.

13 Furthermore, as noted above, the AutoUpdate feature provides a notification
14 to the user that an update to RealPlayer is available. The AutoUpdate feature
15 prompts the user to click on the notification in order to update the player. There is
16 nothing in the Press Release or the Screenshots that teaches or suggests that any
17 source of streaming media is being controlled, or is controllable by, any of the play,
18 pause, stop, and/or volume button controls during such an AutoUpdate notification.
19 In fact, the AutoUpdate notification that appears in Screenshot 2 states that "This
20 service is no longer available in this version of the RealPlayer", and thereby
21 *precludes* the possibility that RealPlayer can be playing media *during* such an
22 AutoUpdate notification, because the notification itself is telling the user that the
23 desired media *cannot* be played by the current version of RealPlayer. Thus, there is
24 not a source of streaming media that is controllable by any of the play, pause, stop,
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1 and/or volume button controls during, or *irrespective* of, such an AutoUpdate
2 notification being displayed within the minibrowser (right half of Screenshot 2).

3 For at least these reasons, it cannot fairly be said that RealPlayer, supported
4 by the Screenshots and the Press Release, teaches or suggests all the elements of
5 claim 18 which include a:

6 graphical user interface comprising a radio toolbar for displaying at
7 least one button capable of controlling said first source of streaming
8 media irrespective of the Web page content being browsed.

9 Because the cited references do not set forth all the elements of claim 18,
10 claim 18 is not anticipated by the references. Accordingly, the 102(a) rejection to
11 Applicant's claim 18 is not supported and Applicant respectfully requests that the
12 rejection be removed. Furthermore, because the prior art references fail to teach or
13 suggest all the elements of Applicant's claim 18, the 103(a) rejection cannot stand,
14 and Applicant respectfully requests that the 103(a) rejection of claim 18 also be
15 removed.

16 In addition, the Office admits that RealPlayer does not show (e.g., in the
17 Screenshots) that the radio toolbar of RealPlayer has at least one button for
18 controlling the first source of streaming media irrespective of the Web page content
19 being browsed (Office Action, page 3). The Office asserts, however, that the
20 screenshots of RealPlayer imply that the radio toolbar of RealPlayer has at least one
21 button for controlling the first source of streaming media irrespective of the Web
22 page content being browsed. As examples, the Office indicates that the "preset
23 stations and the auto update feature are irrespective of each other", and that "the user
24 of RealPlayer may search the Web while playing the streaming media, as indicated
25 by the 'excite' and 'search' areas within screenshot 2". The Office further relies on

1 the Press Release under the section, “RealAudio and RealVideo Search”, as
2 describing integrating the RealPlayer with a Web browser.

3 As noted above, however, the “AutoUpdate” feature of RealPlayer “enables .
4 . . users to always be up-to-date with the latest player technology. AutoUpdate
5 automatically notifies users when new updates to RealPlayer G2 are available for
6 electronic download, simplifying installation since updates are now only one button
7 away” (Press Release, page 2, AutoUpdate section). As noted above, the
8 AutoUpdate notification that appears in Screenshot 2 states that “This service is no
9 longer available in this version of the RealPlayer”, and thereby *precludes* the
10 possibility that RealPlayer can be playing media *during* such an AutoUpdate
11 notification, because the notification itself is telling the user that the desired media
12 *cannot* be played by the current version of RealPlayer.

13 Regarding the “Presets” in RealPlayer, there is no indication from the Press
14 Release or from RealPlayer itself (e.g., Screenshot 2) that the “Presets” are anything
15 but a preferred list of preset channels that a user can switch between in order to
16 access desired media. Nothing in either the Press Release or the Screenshots
17 indicates that accessing media using a Preset can occur *irrespective* of the occurrence
18 of an AutoUpdate as the Office suggests. Screenshot 2 clearly indicates that the only
19 thing happening is the AutoUpdate feature providing an update notice. RealPlayer is
20 not delivering other media at that time. The AutoUpdate feature is informing a user
21 that the present version of RealPlayer cannot deliver the desired media (and
22 therefore, *is not* playing the media), and that RealPlayer needs to be updated *prior to*
23 RealPlayer delivering the media. In Screenshot 2, the tracking line on the tool bar
24 next to the play, pause, and stop buttons shows that no other media is being played
25 by RealPlayer while the AutoUpdate feature is presenting the update notification.

1 Furthermore, the description of the AutoUpdate feature in the Press Release
2 indicates that “updates are now only one button away”. Along with Screenshot 2,
3 this indicates that active participation by a user (by clicking a button) directs
4 RealPlayer to perform an update, and that during such updates RealPlayer does not
5 deliver other media.

6 Thus, there is nothing about the AutoUpdate feature and/or the Presets of
7 RealPlayer either from the Screenshots or the Press Release that expresses or implies
8 that the radio toolbar of RealPlayer has at least one button for controlling the first
9 source of streaming media *irrespective* of the web page content being browsed.

10 In addition, the RealPlayer Screenshots indicate that RealPlayer is configured
11 such that there is no physical location available in which to *display* Web page
12 content being browsed while RealPlayer also *displays* a first source of streaming
13 media. Referring to Screenshot 2, the dark area on the left side of the Screenshot
14 is used by RealPlayer as a list of Channels from which a user may select to have
15 media from a selected channel displayed in the area on the right side of the
16 Screenshot. Thus, Web page content being browsed using the “excite” search
17 feature cannot be displayed at the same time RealPlayer displays other streaming
18 media. Therefore, it cannot fairly be said “that the radio toolbar of RealPlayer has
19 at least one button for controlling the first source of streaming media irrespective of
20 the web page content being browsed”, because if Web page content being browsed in
21 RealPlayer is displayed in the right side of the Screenshot RealPlayer, then the
22 streaming media cannot also be displayed in the right side of the Screenshot.

23 For these additional reasons, it is clear that the cited references fail to teach,
24 suggest, or imply the elements of Applicant’s claim 18. Accordingly, the 102(a)
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1 rejection to Applicant's claim 18 is not supported and Applicant respectfully requests
2 that the 102(a) rejection of claim 18 be removed.

3 Furthermore, because a prima facie case of obviousness requires that the
4 prior art reference (or references when combined) must teach or suggest all the
5 claim limitations (MPEP 2142, 2143), and because the prior art references fail to
6 teach or suggest all the elements of Applicant's claim 18, the 103(a) rejection
7 cannot stand. Applicant therefore respectfully requests that the 103(a) rejection of
8 claim 18 be withdrawn.

9 Regarding the 103(a) rejection of claim 18, the Office asserts that it would
10 have been obvious "to ensure that the buttons in the radio toolbar of RealPlayer
11 control the first source of streaming media irrespective of the Web page content
12 being browsed". However, as noted above, RealPlayer cannot display streaming
13 media content while also displaying Web content. Various aspects of RealPlayer,
14 such as the left area of Screenshot 2, which shows a list of Channels from which a
15 user may select while the right area of Screenshot 2 displays media, reveal that
16 RealPlayer is not suggesting that "the buttons in the radio toolbar of RealPlayer
17 control the first source of streaming media irrespective of the Web page content
18 being browsed". Therefore, it is not accurate to say it would be obvious "to ensure
19 that the buttons in the radio toolbar of RealPlayer control the first source of
20 streaming media irrespective of the Web page content being browsed". For these
21 additional reasons, the 103(a) rejection of claim 18 cannot stand, and Applicant
22 respectfully requests that this rejection be withdrawn.

23 **Claims 20-21** include various elements which parallel those elements of
24 claim 18 already discussed above. More specifically, claim 20 recites in part:

25 a graphical user interface of a Web browser displaying Web

1 page content in a browser pane . . .

2 at least one speaker for playing a first source of streaming
3 media . . .

4 said graphical user interface comprising at least one explorer
5 bar . . . allowing user input regarding the first source of streaming
6 media irrespective of the Web page content present in the browser
7 pane.

8 Claim 21 recites in part:

9 a radio server component for playing a radio source of
10 streaming media irrespective of content being displayed in a
11 simultaneously used Web browser . . .

12 an interfacing component for communicating with the radio
13 server component . . .

14 at least one radio client component communicating through the
15 interfacing component in order to provide instructions to the radio
16 server component regarding the radio source of streaming media.

17 In addition, the Office rejects claims 20-21 with the same references and
18 reasoning used in its rejection of claim 18. Therefore, the arguments set forth
19 above regarding the rejection of claim 18 apply equally to the rejection of claims
20 20-21. Accordingly, both the 102(a) and 103(a) rejections of claim 20-21 are not
21 supported by the cited prior art, and Applicant respectfully requests that these
22 rejections of claims 20-21 be removed.

23 **Claim 19** is rejected under 35 U.S.C. §103(a) as allegedly being
24 unpatentable over RealPlayer and Applicant's Admitted Prior Art (hereinafter
25 AAPA). Applicant respectfully traverses the rejections.

Claim 19 includes various elements which parallel those elements of claim
18 already discussed above. More specifically, claim 19 recites in part:

1 a graphical user interface of a Web browser displaying Web
page content in a browser pane . . .

2 at least one speaker for playing a first source of streaming
3 media . . .

4 said graphical user interface comprising:

5 a) a radio toolbar displaying a plurality of radio-toolbar
6 buttons for controlling said first source of streaming media
irrespective of the Web page content being browsed . . .

7 As clarified herein above with respect to arguments set forth regarding
8 parallel elements of claim 18, RealPlayer does not teach or suggest these elements.
9 Furthermore, AAPA is cited only for its purported teaching of a toolbar which
10 contains a play button, mute button, volume slider, and information area, and to
11 support an assertion that it would have been obvious to place the volume, slider,
12 radio-station buttons, and information area of RealPlayer in the same toolbar as
13 the play button as shown in the AAPA. However, AAPA is not cited for, nor is
14 there present within the AAPA, any suggestion of the elements noted above in
15 claim 19, and as argued above with respect to claim 18. Accordingly, AAPA does
16 not remedy the deficiencies of the RealPlayer screenshots and the Press Release
17 noted above, and claim 19 is allowable over the combination of these references
18 for these additional reasons.

19 20 **Response to Arguments**

21 In its Response to Arguments section, the Office indicates that Applicant's
22 arguments have been fully considered but are not persuasive for various reasons.
23 For example, at page 7 of the Office action, the Office states that AutoUpdates is
24 simply content that is shown in a minibrowser (right half of screenshot 2) of
25

1 RealPlayer, and since a 'Preset' does nothing more than change between channels
2 of media, the selection of a "Preset" would not have changed the content in the
3 minibrowser of RealPlayer. However, Applicant refers the Office to the
4 "Channels" section of Screenshot 2 and the "RealChannels" paragraph on page 2
5 of the Press Release, and notes that the content displayed in the minibrowser (right
6 half of screenshot 2) of RealPlayer depends upon selection of one of such channels
7 (e.g., Video Music Network, Oxygen, CNN, ESPN, etc.), and therefore, the
8 content displayed in the minibrowser is not displayed *irrespective* of a selection of
9 "Preset" or "Channel". A selection of a "Preset" or "Channel" determines what is
10 displayed in the minibrowser and also determines the content to which the play,
11 pause, stop, and/or volume button controls apply. Thus, there is no "button capable
12 of controlling said first source of streaming media irrespective of the Web page
13 content being browsed".

14 The Office next states that it is unclear how web page content may be
15 browsed without being displayed, and that the minibrowser of RealPlayer clearly
16 shows a display area for displaying web page content. In response, Applicant notes
17 that the content being displayed in the minibrowser of RealPlayer is that content
18 which is streaming to RealPlayer and which is controllable via the play, pause, stop,
19 and/or volume button controls of RealPlayer. Again, therefore, Applicant
20 respectfully suggests that RealPlayer does not teach a "button capable of controlling
21 said first source of streaming media irrespective of the Web page content being
22 browsed".

23 The Office next states that the section to the right in Screenshot 2 shows
24 hyperlinks and web content and is a minibrowser, and the fact that this pane may be
25 used to display media from a selected channel on the left does not take away from

1 the fact that the pane may show web content. In response, Applicant again points out
2 that the content displayed in the minibrowser is that content which is streaming to
3 RealPlayer and which is controllable via the play, pause, stop, and/or volume button
4 controls of RealPlayer, and that therefore, RealPlayer is not teaching a "button
5 capable of controlling said first source of streaming media irrespective of the Web
6 page content being browsed".

7
8 **Conclusion**

9 All pending claims, 18 - 21, are believed to be in condition for allowance.
10 Applicant respectfully requests reconsideration and prompt issuance of the present
11 application. Should any issue remain that prevents immediate issuance of the
12 application, the Examiner is encouraged to contact the undersigned attorney to
13 discuss the unresolved issue.

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16 Respectfully Submitted,

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19 Dated: 6/30/09

20 By: Nathan R. Rieth
Nathan R. Rieth
Reg. No. 44302
(509) 324-9256; X233